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ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby adopts amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purposes of the amendments are to modify requirements for certain types of grain elevators and to modify requirements for feed mill equipment located at certain types of grain elevators by adopting new air quality rules and clarifying existing rules. The rule making defines each type of facility and specifies for each type of facility the permitting options, emissions calculation methodology, emissions reporting and record keeping, and best management practices for controlling air pollution. A new particulate matter emission standard for bin vents located at country grain elevators, country grain terminal elevators, and grain terminal elevators also is established through amendments to subrule 23.4(7).

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 29, 2007, as **ARC 6186B**. Public hearings were held on September 24, September 26, and October 2, 2007, in Urbandale, Cedar Rapids, and Spencer, respectively. No oral comments were received at the public hearings. Four sets of written comments were received before the public comment period closed on October 3, 2007.

The submitted comments and the Department's response to the comments are summarized in a responsiveness summary available from the Department.

The Department made changes to the adopted amendments from those published in the Notice in response to comments and also to make corrections and clarifications. These changes are explained in detail in the responsiveness summary and also are summarized below.

Owners and operators of air pollution sources, including owners and operators of grain elevators, are required to obtain permits and meet applicable air pollution standards. However,

in 1978, the Sixty–Seventh Iowa General Assembly limited the Department's ability to regulate country grain elevators (1978 Iowa Acts, chapter 1004, section 17). Since that time, the Department has not enforced the requirement that the owner or operator of a country grain elevator obtain air construction permits. However, the passage of the 1990 amendments to the federal Clean Air Act (CAA) created a new operating permit program for major sources of regulated air pollutants. As a result, the U.S. Environmental Protection Agency (EPA) required that the restrictions limiting the regulation of country grain elevators be removed to allow Iowa to have a federally approved operating permit program. In 1995, the Iowa General Assembly subsequently removed these restrictions (1995 Iowa Acts, chapter 2, section 2), and EPA granted federal approval of Iowa's operating permit program in 1995. Removal of the restrictions necessitated that the Department review and permit air emissions at hundreds of country grain elevators and other similar facilities to bring these facilities into compliance with the air construction permitting requirements of rule 567—22.1(455B).

In an effort to minimize the regulatory burden to the owners or operators of country grain elevators while still ensuring that Iowa's air quality is protected, the Department began working with the Agribusiness Association of Iowa (AAI) to develop a streamlined mechanism for permitting. During this process, the Department discovered that more information about the grain elevator source sector in Iowa was needed to better characterize air emissions equipment and the typical operating limitations at grain elevators. This need, combined with the ongoing uncertainty about the air quality compliance status of each individual facility, resulted in a Departmental amnesty program for grain elevators.

The Department began the amnesty program in August 2003 by asking grain elevator owners and operators to complete a registration form. Submittal of the registration form granted a facility temporary amnesty from the requirement to obtain a construction permit and temporary amnesty from the emission limits for particulate matter specified in rule 567—23.4(455B). Through the amnesty program, the Department received detailed information regarding each facility's grain throughput and the grain storage capacities and types of air emissions equipment located at each facility. In total, 838 facilities registered for the amnesty program.

Facility information from the amnesty registrations, along with information received through an unofficial survey of the permitting requirements for grain elevators in surrounding states, assisted the Department and the workgroup in developing a permitting strategy.

The adopted amendments allow grain elevators in Iowa to be regulated in a manner similar to that of surrounding states. Regardless of the individual grain elevator's emissions, the Department is requiring that an owner or operator of a grain elevator apply best management practices (BMP) and comply with the fugitive dust standard. The Department is also requiring that an owner or operator of a grain elevator comply with the emissions controls specified in required construction permits. Application of BMP and the emissions controls specified in the required construction permits will serve to protect the ambient air and will minimize the impact of emissions from each facility. This strategy includes reducing the presence of fugitive dust, which has occasionally been a problem even at some of the smaller grain elevators.

Of the 838 facilities submitting registrations for the amnesty program, 793 registrations were for country grain elevators, while 45 of the registrations were for grain terminal elevators. Equipment information for other types of grain elevators, for associated processes such as feed mill equipment, and for grain storage elevators also was included with some of the registrations submitted.

The regulatory strategy encompassed in the new rule proposed in Item 5 minimizes the burden to the owners or operators of the most common types of grain elevators in the state, while allowing the Department to focus its permitting and compliance resources on the facilities with emissions that are likely to have the greatest potential to impact human health and the environment.

Item 1 amends the definition of "country grain elevator" in rule 567—20.2(455B) to refer to the definition of "country grain elevator" in new subrule 22.10(1).

Item 2 adopts definitions of "grain processing" and "grain storage elevator" in rule 567—20.2(455B). The definition of "grain storage elevator" is derived from the definition contained in the federal New Source Performance Standards (NSPS) for grain elevators contained in 40 Code of Federal Regulations (CFR) Part 60, Subpart DD. The Department includes additional language to better distinguish grain storage elevators from other types of grain elevators. The

definition of “grain processing” was developed by Department staff in conjunction with workgroup members, and is based on definitions used in nearby states. The Department adopts this definition because the new rules for grain elevators do not apply to a grain processing facility.

Item 3 amends the definition of “potential to emit” in rule 567—20.2(455B) to refer to the method for calculating potential to emit at country grain elevators as specified in new subrule 22.10(2).

Item 4 amends subrule 22.1(1) to adopt new paragraph “d,” specifying that alternative permitting requirements for country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment are set forth in rule 567—22.10(455B).

Item 5 adopts new rule 567—22.10(455B) that establishes air quality rules for grain elevators that are classified as country grain elevators, country grain terminal elevators, and grain terminal elevators. The new rule also includes the permitting requirements for feed mill equipment that is located at a country grain elevator, country grain terminal elevator or grain terminal elevator.

Grain processing plants and grain storage elevators are not eligible to use the provisions set forth in rule 567—22.10(455B). The Department has always required that an owner or operator of a grain processing facility obtain air construction permits for all equipment at the facility because grain processing facilities may emit air pollutants at levels that classify them as major stationary sources for the Prevention of Significant Deterioration (PSD) program and for the Title V operating permit program. Equipment at grain processing facilities also may be subject to federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Grain storage elevators are part of the grain processing operations at grain mills and soybean oil extraction plants and may be subject to federal NSPS. Grain storage elevators are not eligible to use the provisions set forth in rule 567—22.10(455B).

Rule 567—22.10(455B) contains four subrules specifying air quality requirements. The definitions applicable to rule 567—22.10(455B) are set forth in subrule 22.10(1). The methods for determining the potential emissions of particulate matter (PM) and particulate matter with an

aerodynamic diameter less than or equal to 10 microns (PM_{10}) are set forth in subrule 22.10(2). Subrule 22.10(3) sets forth the provisions for grain elevator classification and the requirements for permits, emissions controls, record keeping and reporting. Subrule 22.10(4) contains the permitting requirements for feed mill equipment located at specific types of grain elevators.

The definition of "country grain elevator" is similar to the definition that is contained in existing rules 567—20.2(455B) and 567—22.100(455B). The Department is revising the definition to better distinguish country grain elevators from other types of grain elevators.

The definition of "country grain terminal elevator" was developed by Department staff to cover grain elevators with operations that are similar to both country grain elevators and grain terminal elevators, but that do not fall into either category.

The definition of "feed mill equipment" was developed by Department staff to apply to feed mill equipment that is located at a country grain elevator, country grain terminal elevator or grain terminal elevator. A stand–alone feed mill or feed mill equipment that is not located at a country grain elevator, country grain terminal elevator or grain terminal elevator is considered to be a type of grain processing and is not included under rule 567—22.10(455B).

The definition of "grain" is the definition contained in Iowa Code section 203.1(9), which states that "grain" means any grain for which the United States Department of Agriculture has established standards including, but not limited to, corn, wheat, oats, soybeans, rye, barley, grain sorghum, flaxseeds, sunflower seed, spelt (emmer) and field peas.

The definition of "grain processing" refers to the definition specified in the amendments to 567—20.2(455B).

The definition of "grain storage elevator" refers to the definition specified in the amendments to 567—20.2(455B).

The definition of "grain terminal elevator" incorporates the definition in the grain elevator NSPS (40 CFR Part 60, Subpart DD). The Department is revising the definition to better distinguish grain terminal elevators from other types of grain elevators.

The definition of "permanent storage capacity" is the same as the definition contained in the federal grain elevator NSPS (40 CFR Part 60, Subpart DD).

Subrule 22.10(2) specifies the methods for determining the potential to emit (PTE) for PM_{10} at country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment.

The method specified by the Department and in state rule for calculating potential emissions at country grain elevators was first published in a 1995 EPA memorandum and takes into account the seasonal throughput of country grain elevator operations. The Department has accepted the use of the EPA–developed calculation to determine PTE since 1995. The calculation method specified in subrule 22.10(2) also allows country grain elevators to account for additional control of PM and PM_{10} emissions through BMP and other emissions control measures established in a registration or in a permit issued pursuant to subrule 22.10(3).

Subrule 22.10(2) also stipulates that the owners or operators of grain terminal elevators, country grain terminal elevators and feed mill equipment shall calculate their PTE as set forth in the definition of "potential to emit" in rule 567—20.2(455B).

Some grain terminal elevators are subject to federal NSPS and have PTEs that trigger both construction and operating permitting requirements. Based on these considerations, the Department is clarifying that an owner or operator of a grain terminal elevator must calculate the PTE for each piece of emissions equipment at the facility (grain terminal elevators may not use the special facilitywide PTE calculation allowed for country grain elevators). For purposes of determining applicability for the PSD and Title V programs, fugitive emissions at sources with grain terminal elevators also must be included in PTE calculations.

The Department is aware of a small number of facilities that operate similarly to both country grain elevators and grain terminal elevators, but that do not fall into either category. This type of facility is termed "country grain terminal elevator" in rule 567—22.10(455B). Because the operations and emissions at these country grain terminal elevators appear to be similar to grain terminal elevators, country grain terminal elevators also must calculate the PTE for each piece of emissions equipment at the facility.

The Department has always required an owner or operator of feed mill equipment to calculate the PTE for each piece of feed mill equipment at the facility.

Subrule 22.10(3) contains the requirements for construction permits, operating permits, emissions controls, record keeping and reporting at country grain elevators, country grain terminal elevators and grain terminal elevators.

The Department estimated the grain elevators' PTE for PM_{10} using the information submitted on the amnesty registration forms. The Department then used the emission thresholds typically used for permitting grain elevators in surrounding states and split the grain elevator source sector into four groups characterized by their PTE for PM_{10}. The PTE thresholds that trigger specific requirements are set at 15, 50, and 100 tons per year (tpy), as illustrated in the following table:

Grain Elevator Group	PTE for PM_{10} (in tons per year)
Group 1	<15
Group 2	≥15 and ≤ 50
Group 3	> 50 and < 100
Group 4	≥ 100

The requirements for permitting, emission controls, and emissions reporting and record keeping increase for facilities with a greater PTE.

Country grain elevators, country grain terminal elevators and grain terminal elevators in the lowest PTE group, termed "Group 1" in the above table and in rule 567—22.10(455B), are exempt from the requirement to obtain a construction permit. However, the owner or operator of a Group 1 facility is required to submit a registration and PTE calculations, on forms supplied by the Department, certifying that the facility's PTE for PM_{10} is less than 15 tpy. A registration form may be obtained from the Department or downloaded from the Department's Internet Web site.

Additionally, the owner or operator of a Group 1 facility is required to use BMP for controlling air pollution and for limiting fugitive dust from crossing the property line. The owner or operator shall implement BMP according to the Department manual, "Best Management Practices (BMP) for Grain Elevators (December 2007)."

The owner or operator of a country grain elevator, country grain terminal elevator or grain terminal elevator qualifying for the Group 2 category may use a Group 2 permit application for grain elevators on forms provided by the Department in lieu of obtaining a regular

construction permit. A Group 2 permit application may be obtained from the Department or downloaded from the Department's Internet Web site. The Group 2 permit for grain elevators is a combined permit application and permit that is specific for grain elevators that meet the eligibility criteria for Group 2 facilities. The Group 2 permit application for grain elevators should be easier for an owner or operator to complete than a regular construction permit application, and is expected to streamline the permit application process for eligible facilities.

The Group 2 permit for grain elevators will specify that the owner or operator of a Group 2 facility must oil the grain at the facility, or otherwise achieve facilitywide PM_{10} emission reductions that are equivalent to the reductions achieved through grain oiling. Additionally, the owner or operator of a Group 2 facility must: apply BMP; keep a record of the total annual grain handled in the past five years; and calculate the annual PTE for PM_{10}. A Group 2 facility owner or operator also must submit emissions inventories to the Department as specified in subrule 21.1(3).

An owner or operator of a country grain elevator, country grain terminal elevator or grain terminal elevator that is a Group 3 facility is required to apply for and obtain air construction permits. The construction permits for these facilities may contain requirements for the installation of emissions controls that may include grain oiling or equivalent measures to meet applicable air quality emission and ambient air quality standards. Because the PTE for PM may exceed the PTE for PM_{10}, Group 3 facilities may potentially have a PTE for PM that is greater than or equal to 250 tons per year. Facilities with a PTE for PM or PM_{10} that is greater than or equal to 250 tons per year are considered to be major stationary sources for the PSD program. Thus, the owner or operator of a Group 3 facility is required to calculate the PTE for both PM and PM_{10} to ensure that annual emissions for both pollutants are less than 250 tons. An owner or operator of a Group 3 facility also must submit emissions inventories to the Department as specified in subrule 21.1(3).

The owner or operator of a country grain elevator, country grain terminal elevator or grain terminal elevator that is a Group 4 facility must: apply for construction permits, as applicable; apply for an operating permit, as applicable; and submit to the Department annual emissions inventories that report all regulated air pollutants. The construction and operating

permits for these facilities may contain requirements for installation of emissions controls that may include grain oiling or equivalent measures to meet applicable air quality standards.

The permitting, emissions controls, record–keeping and reporting requirements of each of the four groups apply even if a country grain elevator, country grain terminal elevator or grain terminal elevator did not register for the amnesty program. These requirements apply to both new and existing facilities. The owner or operator of an existing facility must submit the appropriate registration form or permit application by March 31, 2008. The owner or operator of a new facility must apply for and obtain the appropriate registration or permit prior to initiating construction of air emissions equipment.

The Department is aware that a limited number of facilities may exist that do not meet the definition of "country grain elevator," "country grain terminal" or "grain terminal elevator." The Department currently does not have enough information on the equipment and associated air emissions at these other types of grain elevators. Thus, owners or operators of these other types of grain elevators are not eligible to use the alternative provisions in rule 567—22.10(455B) for country grain elevators, country grain terminal elevators, and grain terminal elevators.

The Department made changes to the provisions for subrule 22.10(3) from those published under Notice. The Department also made changes to some of the forms and documents associated with the provisions in 22.10(3). The Department made changes in response to comments and also to provide consistency between and clarification of the rule making and the associated documents. The changes are described below.

In response to comments, the Department made changes to the Group 1 registration form. These changes consist of necessary corrections and clarifications and are explained in detail in the Department's responsiveness summary.

During the Department's review of the record–keeping requirements contained in the proposed Group 1 registration form, the Department identified that the language as proposed in the Notice for subparagraph 22.10(3)"a"(1) pertaining to provisions for modifying the Group 1 registration form needed to be changed to be consistent with the Group 1 registration form. Changes to throughput or operations needed to be added to the provisions that state that an owner or operator is allowed to add, remove and modify the emissions units at the facility without

modifying the Group 1 registration, provided that the requirements in subparagraph 22.10(3)“a”(1), numbered paragraph “2,” are met. The adopted rules for Group 1 facilities include these changes.

The Department made a number of changes to the Best Management Practices (BMP) document in response to public comments. These changes consist of necessary corrections and clarifications and are explained in detail in the Department’s responsiveness summary. In the adopted rules, the Department also clarified that the owner or operator of an existing Group 1 facility shall fully implement applicable BMP no later than March 31, 2009. The owner or operator of a new Group 1 facility shall fully implement applicable BMP upon startup of equipment at the facility.

In response to comments, the Department made changes to the Group 2 permit application. These changes consist of necessary corrections and clarifications and are explained in detail in the Department’s responsiveness summary. In the adopted rules and the Group 2 permit application, the Department also clarified that the owner or operator of an existing Group 2 facility shall fully implement applicable BMP no later than March 31, 2009. The owner or operator of a new Group 2 facility shall fully implement applicable BMP upon startup of equipment at the facility.

During the Department’s review of the record–keeping requirements contained in the proposed Group 2 permit, the Department identified that the language as proposed in the Notice for subparagraph 22.10(3)“b”(1) pertaining to provisions for modifying the Group 2 permit needed to be changed to be consistent with the Group 2 permit application. The needed changes were similar to the changes explained above for Group 1 facilities. Specifically, changes to throughput or operations needed to be added to the provisions that state that an owner or operator is allowed to add, remove and modify the emissions units at the facility without modifying the Group 2 permit, provided that the requirements in subparagraph 22.10(3)“b”(1), numbered paragraph “1,” are met. The adopted rules for Group 2 facilities include these changes.

The Department received comments from the EPA requesting clarification that the Department has the authority to perform an air quality analysis on a Group 2 facility, as necessary, to ensure that the National Ambient Air Quality Standards (NAAQS) are sufficiently

protected. The Department agrees that the Department may, as necessary, evaluate the emissions from a Group 2 facility to ensure that the emissions, in conjunction with all other emissions, will not result in exceedances of the NAAQS. The proposed rules for Group 2 facilities published under Notice do not prohibit the Department from conducting an air quality analysis. Therefore, no change to the adopted rules was needed to address this comment.

The Agribusiness Association of Iowa (AAI) also raised some implementation questions regarding Group 1 and Group 2 facilities that did not require any changes to the adopted provisions in subrule 22.10(3). Specifically, AAI asked when Group 1 and Group 2 facilities could begin submitting the forms required by the new rules and when the Department would act on the submitted forms. These implementation issues are addressed below.

An owner or operator of a new or existing Group 1 facility may submit the registration form and accompanying PTE calculations to the Department on or after December 4, 2007. The registration form and PTE calculations must be received by the Department on or before March 31, 2008. The registration form and PTE calculations for a new Group 1 facility must be received by the Department before the owner or operator initiates construction or reconstruction of the facility.

The Department will begin processing the Group 1 registrations for completeness on the effective date of the adopted rules, March 19, 2008. Therefore, complete Group 1 registrations and accompanying PTE calculations submitted to the Department prior to March 19, 2008, shall not become effective until March 19, 2008.

An owner or operator of a new or existing Group 2 facility may submit the Group 2 permit application and accompanying PTE calculations to the Department on or after December 4, 2007. The Group 2 permit application and the PTE calculations must be received by the Department on or before March 31, 2008. A Group 2 permit for a new Group 2 facility must be issued by the Department before the owner or operator initiates construction or reconstruction of the facility. The Department will begin processing complete Group 2 permit applications and accompanying PTE calculations on the effective date of the adopted rules, March 19, 2008.

Subrule 22.10(4) sets forth the permitting provisions for feed mill equipment that is located at a country grain elevator, country grain terminal elevator or grain terminal elevator.

The Department has always required that feed mills obtain construction permits. However, through the amnesty program and workgroup proceedings, the Department learned that feed mill equipment may be located at grain elevators and that the owners and operators of this equipment may not have obtained the required construction permits. The provisions set forth in subrule 22.10(4) provide an opportunity for the owners and operators of feed mill equipment that is located at a country grain elevator, country grain terminal elevator or grain terminal elevator to apply for the required construction permits and, if applicable, to comply with the requirements under the PSD and operating permit programs. The Department did not make any changes to the adopted provisions for subrule 22.10(4) from those published under Notice.

The Department also received comments from AAI regarding the need for some grain elevators to obtain construction permits. Specifically, AAI questioned whether grain elevators constructed prior to 1970 needed to obtain construction permits. AAI also questioned the need for construction permits for grain elevators that were constructed during the time period that the Iowa General Assembly restricted the Department's ability to regulate grain elevators (1978–1995).

As explained in the Department's responsiveness summary, existing sources constructed prior to September 23, 1970, are not required to have air construction permits (subrule 22.1(1)). Any modifications made to these existing sources after this date require air construction permits. Item 4, as proposed in the Notice and in the adopted rules, gives grain elevator owners or operators the option to comply with the requirements specified in rule 567—22.10(455B) instead of obtaining construction permits as required in subrule 22.1(1). Neither subrule 22.1(1) nor new rule 567—22.10(455B) require that owners or operators of existing sources constructed prior to September 23, 1970, obtain air construction permits, unless the owner or operator elects to do so.

Additionally, when the Iowa General Assembly lifted the regulatory restrictions on grain elevators in 1995, the General Assembly did not prohibit the Department from requiring grain elevators constructed or modified during the restriction period to obtain the required air construction permits. The streamlined construction permitting mechanism set forth in the adopted rules is intended to create a level playing field for all grain elevators in the state.

Item 6 amends the definition of "country grain elevator" in rule 567—22.100(455B) to refer to the definition of "country grain elevator" in new rule 567—22.10(455B).

Item 7 amends the definition of "potential to emit" in rule 567—22.100(455B) to refer to the method for calculating potential to emit for country grain elevators as specified in new subrule 22.10(2).

Item 8 amends subrule 23.4(7) to specify a new particulate matter emission limit for bin vents located at country grain elevators, country grain terminal elevators, and grain terminal elevators.

The Department's August 2003 amnesty program included temporary amnesty from the emission limit for particulate matter specified in rule 567—23.4(455B). Bin vent information obtained from the facilities that registered for the amnesty program indicated that the majority of the grain elevator bin vents affected by this rule making have been operated uncontrolled since the bins were constructed. Available particulate matter emissions testing data reviewed by the Department for grain elevator bin vents affected by this rule making indicate that a representative level of uncontrolled particulate matter emissions from a grain elevator bin vent is 1.0 grain per dry standard cubic foot (gr/dscf) of exhaust gas. Because of the ambiguous status of the regulatory requirements for existing bin vents during the period that the state statute limited the Department's authority to regulate grain elevators, the Department is allowing particulate matter emissions from existing grain elevator bin vents affected by this rule making to continue to meet a 1.0 gr/dscf of exhaust gas emission limit.

The 0.1 gr/dscf of exhaust gas emission limit was in place before the statute that limited the Department's authority to regulate grain elevators existed. Construction of new bins at other facilities with throughputs similar to those at country grain terminal elevators and grain terminal elevators has shown that emissions of particulate matter from the new bins can be controlled to meet the existing 0.1 gr/dscf of exhaust gas emission limit. The amendment to subrule 23.4(7) reaffirms that particulate matter emissions from new bin vents at a country grain terminal elevator or grain terminal elevator can be reasonably controlled to the 0.1 gr/dscf of exhaust gas emission limit but that retrofitting of controls on existing bin vents is impractical due to safety and cost concerns.

During the public comment period on the Notice, EPA commented that the change in the emission limit for bin vents (from 0.1 to 1.0 gr/dscf) constitutes a significant relaxation. EPA requested that the Department provide a detailed air quality analysis for the change, including a discussion of the anticipated emissions increases and air quality impacts projected as a result of the change.

Bin vent testing data obtained by the Department indicate that existing uncontrolled bin vents are already emitting at 1.0 gr/dscf. Thus, the change from 0.1 to 1.0 gr/dscf will not result in any actual emissions increases from these bin vents.

The threshold for the state implementation plan (SIP) approved rules for the "small unit" exemption (paragraph 22.1(2)"w") is 5 tons per year (tpy) of PM emissions. An analysis by the Department of the PM emissions from a bin vent emitting at 1.0 gr/dscf of exhaust gas showed that the PM emissions would be less than 5 tpy at a facility with 35 million bushel per year throughput rate. This throughput rate is on the upper end of the throughput range for the majority of the grain elevators that will be affected by the new rules.

The conservative air quality screening analysis completed to support the technical validity of the small unit exemption indicated that a minimum stack height of 20 feet above grade was necessary to be protective of the PM_{10} NAAQS when PM_{10} emissions (assuming that all PM was PM_{10}) were set at 5 tpy. The release height for the majority of the bin vents currently in operation is well over 20 feet. Based on these considerations, and the fact that existing uncontrolled bin vents are already emitting at 1.0 gr/dscf of exhaust gas, the Department does not expect that this relaxation will result in a perceptible or measurable change in air quality.

The Department also received several comments from AAI recommending that the 1.0 gr/dscf be extended to all grain bin vents. A detailed summary of AAI's comments and the Department's responses is contained in the Department's responsiveness summary.

The issue in question is whether the 0.1 gr/dscf particulate standard is a reasonable emission limit for new grain bin vents. The Department has found that construction of new bins at other facilities with throughputs similar to those at country grain terminal elevators or grain terminal elevators has shown that emissions of particulate matter from the new bins can be controlled to meet the existing 0.1 gr/dscf of exhaust gas emission limit. For example, all grain

bins constructed at new ethanol plants over the last few years have included particulate controls to meet this standard. Therefore, the adopted rules contain the changes to the particulate matter emission limit as proposed in the published Notice.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective on March 19, 2008.

The following amendments are adopted.

ITEM 1. Amend rule **567—20.2(455B)**, definition of "country grain elevator," as follows:

"Country grain elevator" ~~means any grain elevator that receives more than 50 percent of its grain, as defined by 40 CFR 60.301(a) as amended through August 3, 1978, produced by farms in the vicinity. This definition does not include grain terminal elevators or grain storage elevators, as defined in paragraph 23.1(2)"ooo."~~ shall have the same definition as "country grain elevator" set forth in 567—subrule 22.10(1).

ITEM 2. Amend rule **567—20.2(455B)** by adopting the following **new** definitions in alphabetical order:

"Grain processing" means the equipment, or the combination of different types of equipment, used in the processing of grain to produce a product primarily for wholesale or retail sale for human or animal consumption, including the processing of grain for production of biofuels, except for "feed mill equipment," as "feed mill equipment" is defined in rule 567—22.10(455B).

"Grain storage elevator" means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded and that is located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity (grain storage capacity which is inside a building, bin, or silo) of more than 35,200 m^3 (ca. 1 million U.S. bushels).

ITEM 3. Amend rule **567—20.2(455B)**, definition of "potential to emit," introductory and first unnumbered paragraphs, as follows:

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the

capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, ~~"maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five-year period, multiplied by an adjustment factor of 1.2. If the source is subject to new source construction permit review, then potential to emit is defined as stated above or as established in a federally enforceable permit~~ the provisions set forth in 567—subrule 22.10(2) shall apply.

ITEM 4. Amend subrule **22.1(1)** by adopting **new** paragraph **"d"** as follows:

d. Permit requirements for country grain elevators, country grain terminal elevators, grain terminal elevators, and feed mill equipment. The owner or operator of a country grain elevator, country grain terminal elevator, grain terminal elevator or feed mill equipment, as "country grain elevator," "country grain terminal elevator," "grain terminal elevator," and "feed mill equipment" are defined in subrule 22.10(1), may elect to comply with the requirements specified in rule 567—22.10(455B) for equipment at these facilities.

ITEM 5. Amend 567—Chapter 22 by adopting **new** rule 567—22.10(455B) as follows:

567—22.10(455B) Permitting requirements for country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment. The requirements of this rule apply only to country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment, as these terms are defined in subrule 22.10(1). The requirements of this rule do not apply to equipment located at grain processing plants or grain storage elevators, as "grain processing" and "grain storage elevator" are defined in rule 567—20.2(455B). Compliance with the requirements of this rule does not alleviate any affected person's duty to comply with any applicable state or federal regulations. In particular, the emission standards set forth in 567—Chapter 23, including the regulations for grain elevators

contained in 40 CFR Part 60, Subpart DD (as adopted by reference in 567—paragraph 23.1(2)“ooo”), may apply.

22.10(1) Definitions. For purposes of rule 567—22.10(455B), the following terms shall have the meanings indicated in this subrule.

“Country grain elevator” means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded and which meets the following criteria:

1. Receives more than 50 percent of its grain, as “grain” is defined in this subrule, from farmers in the immediate vicinity during harvest season;

2. Is not located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant.

“Country grain terminal elevator” means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded and which meets the following criteria:

1. Receives 50 percent or less of its grain, as “grain” is defined in this subrule, from farmers in the immediate vicinity during harvest season;

2. Has a permanent storage capacity of less than or equal to 2.5 million U.S. bushels, as “permanent storage capacity” is defined in this subrule;

3. Is not located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant.

“Feed mill equipment,” for purposes of rule 567—22.10(455B), means grain processing equipment that is used to make animal feed including, but not limited to, grinders, crackers, hammermills, and pellet coolers, and that is located at a country grain elevator, country grain terminal elevator or grain terminal elevator.

“Grain,” as set forth in Iowa Code section 203.1(9), means any grain for which the United States Department of Agriculture has established standards including, but not limited to, corn, wheat, oats, soybeans, rye, barley, grain sorghum, flaxseeds, sunflower seed, spelt (emmer), and field peas.

“Grain processing” shall have the same definition as “grain processing” set forth in rule 567—20.2(455B).

"Grain storage elevator" shall have the same definition as "grain storage elevator" set forth in rule 567—20.2(455B).

"Grain terminal elevator," for purposes of rule 567—22.10(455B), means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded and which meets the following criteria:

1. Receives 50 percent or less of its grain, as "grain" is defined in this subrule, from farmers in the immediate vicinity during harvest season;

2. Has a permanent storage capacity of more than 88,100 m^3 (2.5 million U.S. bushels), as "permanent storage capacity" is defined in this subrule;

3. Is not located at an animal food manufacturer, pet food manufacturer, cereal manufacturer, brewery, or livestock feedlot;

4. Is not located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant.

"Permanent storage capacity" means grain storage capacity which is inside a building, bin, or silo.

22.10(2) Methods for determining potential to emit (PTE). The owner or operator of a country grain elevator, country grain terminal elevator, grain terminal elevator or feed mill equipment shall use the following methods for calculating the potential to emit (PTE) for particulate matter (PM) and for particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM_{10}).

a. Country grain elevators. The owner or operator of a country grain elevator shall calculate the PTE for PM and PM_{10} as specified in the definition of "potential to emit" in rule 567—20.2(455B), except that "maximum capacity" means the greatest amount of grain received at the country grain elevator during one calendar, 12–month period of the previous five calendar, 12–month periods, multiplied by an adjustment factor of 1.2. The owner or operator may make additional adjustments to the calculations for air pollution control of PM and PM_{10} if the owner or operator submits the calculations to the department using the PTE calculation tool provided by the department, and only if the owner or operator fully implements the applicable air pollution control measures no later than March 31, 2009, or upon startup of the equipment, whichever

event first occurs. Credit for the application of some best management practices, as specified in subrule 22.10(3) or in a permit issued by the department, may also be used to make additional adjustments in the PTE for PM and PM_{10} if the owner or operator submits the calculations to the department using the PTE calculation tool provided by the department, and only if the owner or operator fully implements the applicable best management practices no later than March 31, 2009, or upon startup of the equipment, whichever event first occurs.

b. Country grain terminal elevators. The owner or operator of a country grain terminal elevator shall calculate the PTE for PM and PM_{10} as specified in the definition of "potential to emit" in rule 567—20.2(455B).

c. Grain terminal elevators. For purposes of the permitting and other requirements specified in subrule 22.10(3), the owner or operator of a grain terminal elevator shall calculate the PTE for PM and PM_{10} as specified in the definition of "potential to emit" in rule 567—20.2(455B). For purposes of determining whether the stationary source is subject to the prevention of significant deterioration (PSD) requirements set forth in 567—Chapter 33, or for determining whether the source is subject to the operating permit requirements set forth in rules 567—22.100(455B) through 567—22.300(455B), the owner or operator of a grain terminal elevator shall include fugitive emissions, as "fugitive emissions" is defined in 567—subrule 33.3(1) and in rule 567—22.100(455B), in the PTE calculation.

d. Feed mill equipment. The owner or operator of feed mill equipment, as "feed mill equipment" is defined in subrule 22.10(1), shall calculate the PTE for PM and PM_{10} for the feed mill equipment as specified in the definition of "potential to emit" in rule 567—20.2(455B). For purposes of determining whether the stationary source is subject to the prevention of significant deterioration (PSD) requirements set forth in 567—Chapter 33, or for determining whether the stationary source is subject to the operating permit requirements set forth in rules 567—22.100(455B) through 567—22.300(455B), the owner or operator of feed mill equipment shall sum the PTE of the feed mill equipment with the PTE of the country grain elevator, country grain terminal elevator or grain terminal elevator.

22.10(3) Classification and requirements for permits, emissions controls, record keeping and reporting for Group 1, Group 2, Group 3 and Group 4 grain elevators. The requirements for

construction permits, operating permits, emissions controls, record keeping and reporting for a stationary source that is a country grain elevator, country grain terminal elevator or grain terminal elevator are set forth in this subrule.

a. Group 1 facilities. A country grain elevator, country grain terminal elevator or grain terminal elevator may qualify as a Group 1 facility if the PTE at the stationary source is less than 15 tons of PM_{10} per year, as PTE is specified in subrule 22.10(2). For purposes of this paragraph, an "existing" Group 1 facility is one that commenced construction or reconstruction before February 6, 2008. A "new" Group 1 facility is one that commenced construction or reconstruction on or after February 6, 2008.

(1) Group 1 registration. The owner or operator of a Group 1 facility shall submit to the department a Group 1 registration, including PTE calculations, on forms provided by the department, certifying that the facility's PTE is less than 15 tons of PM_{10} per year. The owner or operator of an existing facility shall provide the Group 1 registration to the department on or before March 31, 2008. The owner or operator of a new facility shall provide the Group 1 registration to the department prior to initiating construction or reconstruction of a facility. The registration becomes effective upon the department's receipt of the signed registration form and the PTE calculations.

1. If the owner or operator registers with the department as specified in subparagraph 22.10(3)"a"(1), the owner or operator is exempt from the requirement to obtain a construction permit as specified under subrule 22.1(1).

2. Upon department receipt of a Group 1 registration and PTE calculations, the owner or operator is allowed to add, remove and modify the emissions units or change throughput or operations at the facility without modifying the Group 1 registration, provided that the owner or operator calculates the PTE for PM_{10} on forms provided by the department prior to making any additions to, removals of or modifications to equipment, and only if the facility continues to meet the emissions limits and operating limits (including restrictions on material throughput and hours of operation, if applicable, as specified in the PTE for PM_{10} calculations) specified in the Group 1 registration.

3. If equipment at a Group 1 facility currently has an air construction permit issued by the department, that permit shall remain in full force and effect, and the permit shall not be invalidated by the subsequent submittal of a registration made pursuant to subparagraph 22.10(3)“a”(1).

(2) Best management practices (BMP). The owner or operator of a Group 1 facility shall implement best management practices (BMP) for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line. The owner or operator shall implement BMP according to the department manual, Best Management Practices (BMP) for Grain Elevators (December 2007), as adopted by the commission on January 15, 2008, and adopted by reference herein (available from the department, upon request) and on the department’s Internet Web site. No later than March 31, 2009, the owner or operator of an existing Group 1 facility shall fully implement applicable BMP. Upon startup of equipment at the facility, the owner or operator of a new Group 1 facility shall fully implement applicable BMP.

(3) Record keeping. The owner or operator of a Group 1 facility shall retain a record of the previous five calendar years of total annual grain handled and shall calculate the facility’s potential PM_{10} emissions annually by January 31 for the previous calendar year. These records shall be kept on site for a period of five years and shall be made available to the department upon request.

(4) Emissions increases. The owner or operator of a Group 1 facility shall calculate any emissions increases prior to making any additions to, removals of or modifications to equipment. If the owner or operator determines that PM_{10} emissions at a Group 1 facility will increase to 15 tons per year or more, the owner or operator shall comply with the requirements set forth for Group 2, Group 3 or Group 4 facilities, as applicable, prior to making any additions to, removals of or modifications to equipment.

(5) Changes to facility classification or permanent grain storage capacity. If the owner or operator of a Group 1 facility plans to change the facility’s operations or increase the facility’s permanent grain storage capacity to more than 2.5 million U.S. bushels, the owner or operator, prior to making any changes, shall reevaluate the facility’s classification and the

allowed method for calculating PTE to determine if any increases to the PTE for PM_{10} will occur. If the proposed change will alter the facility's classification or will increase the facility's PTE for PM_{10} such that the facility PTE increases to 15 tons per year or more, the owner or operator shall comply with the requirements set forth for Group 2, Group 3 or Group 4 facilities, as applicable, prior to making the change.

b. Group 2 facilities. A country grain elevator, country grain terminal elevator or grain terminal elevator may qualify as a Group 2 facility if the PTE at the stationary source is greater than or equal to 15 tons of PM_{10} per year and is less than or equal to 50 tons of PM_{10} per year, as PTE is specified in subrule 22.10(2). For purposes of this paragraph, an "existing" Group 2 facility is one that commenced construction, modification or reconstruction before February 6, 2008. A "new" Group 2 facility is one that commenced construction or reconstruction on or after February 6, 2008.

(1) Group 2 permit for grain elevators. The owner or operator of a Group 2 facility may, in lieu of obtaining air construction permits for each piece of emissions equipment at the facility, submit to the department a completed Group 2 permit application for grain elevators, including PTE calculations, on forms provided by the department. Alternatively, the owner or operator may obtain an air construction permit as specified under subrule 22.1(1). The owner or operator of an existing facility shall provide the appropriate completed Group 2 permit application for grain elevators or the appropriate construction permit applications to the department on or before March 31, 2008. The owner or operator of a new facility shall provide the appropriate, completed Group 2 permit application for grain elevators or the appropriate construction permit applications to the department prior to initiating construction or reconstruction of a facility.

1. Upon department issuance of a Group 2 permit to a facility, the owner or operator is allowed to add, remove and modify the emissions units at the facility, or change throughput or operations, without modifying the Group 2 permit, provided that the owner or operator calculates the PTE for PM_{10} prior to making any additions to, removals of or modifications to equipment, and only if the facility continues to meet the emissions limits and operating limits (including

restrictions on material throughput and hours of operation, if applicable, as specified in the PTE for PM_{10} calculations) specified in the Group 2 permit.

2. If a Group 2 facility currently has an air construction permit issued by the department, that permit shall remain in full force and effect, and the permit shall not be invalidated by the subsequent submittal of a Group 2 permit application for grain elevators made pursuant to this rule. However, the owner or operator of a Group 2 facility may request that the department incorporate any equipment with a previously issued construction permit into the Group 2 permit for grain elevators. The department will grant such requests on a case–by–case basis. If the department grants the request to incorporate previously permitted equipment into the Group 2 permit for grain elevators, the owner or operator of the Group 2 facility is responsible for requesting that the department rescind any previously issued construction permits.

(2) Best management practices (BMP). The owner or operator shall implement BMP, as specified in the Group 2 permit, for controlling air pollution at the source and for limiting fugitive dust at the source from crossing the property line. If the department revises the BMP requirements for Group 2 facilities after a facility is issued a Group 2 permit, the owner or operator of the Group 2 facility may request that the department modify the facility's Group 2 permit to incorporate the revised BMP requirements. The department will issue permit modifications to incorporate BMP revisions on a case–by–case basis. No later than March 31, 2009, the owner or operator of an existing Group 2 facility shall fully implement BMP, as specified in the Group 2 permit. Upon startup of equipment at the facility, the owner or operator of a new Group 2 facility shall fully implement BMP, as specified in the Group 2 permit.

(3) Record keeping. The owner or operator of a Group 2 facility shall retain all records as specified in the Group 2 permit.

(4) Emissions inventory. The owner or operator of a Group 2 facility shall submit an emissions inventory for the facility for all regulated air pollutants as specified under 567—subrule 21.1(3).

(5) Emissions increases. The owner or operator of a Group 2 facility shall calculate any emissions increases prior to making any additions to, removals of or modifications to

equipment. If the owner or operator determines that potential PM_{10} emissions at a Group 2 facility will increase to more than 50 tons per year, the owner or operator shall comply with the requirements set forth for Group 3 or Group 4 facilities, as applicable, prior to making any additions to, removals of or modifications to equipment.

(6) Changes to facility classification or permanent grain storage capacity. If the owner or operator of a Group 2 facility plans to change the facility's operations or increase the facility's permanent grain storage capacity to more than 2.5 million U.S. bushels, the owner or operator, prior to making any changes, shall reevaluate the facility's classification and the allowed method for calculating PTE to determine if any increases to the PTE for PM_{10} will occur. If the proposed change will increase the facility's PTE for PM_{10} such that the facility PTE increases to more than 50 tons per year, the owner or operator shall comply with the requirements set forth for Group 3 or Group 4 facilities, as applicable, prior to making the change.

c. Group 3 facilities. A country grain elevator, country grain terminal elevator or grain terminal elevator may qualify as a Group 3 facility if the PTE for PM_{10} at the stationary source is greater than 50 tons per year, but is less than 100 tons of PM_{10} per year, as PTE is specified in subrule 22.10(2). For purposes of this paragraph, an "existing" Group 3 facility is one that commenced construction, modification or reconstruction before February 6, 2008. A "new" Group 3 facility is one that commenced construction or reconstruction on or after February 6, 2008.

(1) Air construction permit. The owner or operator of a Group 3 facility shall obtain the required construction permits as specified under subrule 22.1(1). The owner or operator of an existing facility shall provide the construction permit applications, as specified in subrule 22.1(3), to the department on or before March 31, 2008. The owner or operator of a new facility shall obtain the required permits, as specified in subrule 22.1(1), from the department prior to initiating construction or reconstruction of a facility.

(2) Permit conditions. Construction permit conditions for a Group 3 facility shall include, but are not limited to, the following:

1. The owner or operator shall implement BMP, as specified in the permit, for controlling air pollution at the source and for limiting fugitive dust at the source from crossing the property line. If the department revises the BMP requirements for Group 3 facilities after a facility is issued a permit, the owner or operator of the Group 3 facility may request that the department modify the facility's permit to incorporate the revised BMP requirements. The department will issue permit modifications to incorporate BMP revisions on a case–by–case basis.

2. The owner or operator shall retain all records as specified in the permit.

(3) Emissions inventory. The owner or operator shall submit an emissions inventory for the facility for all regulated air pollutants as specified under 567—subrule 21.1(3).

(4) Changes to facility classification or permanent grain storage capacity. If the owner or operator of a Group 3 facility plans to change its operations or increase the facility's permanent grain storage capacity to more than 2.5 million U.S. bushels, the owner or operator, prior to making any changes, shall reevaluate the facility's classification and the allowed method for calculating PTE to determine if any increases to the PTE for PM_{10} will occur. If the proposed change will alter the facility's classification or will increase the facility's PTE for PM_{10} such that the facility PTE increases to greater than or equal to 100 tons per year, the owner or operator shall comply with the requirements set forth for Group 4 facilities, as applicable, prior to making the change.

(5) PSD applicability. If the PTE for PM or PM_{10} at the Group 3 facility is greater than or equal to 250 tons per year, the owner or operator shall comply with requirements specified in 567—Chapter 33, as applicable. The owner or operator of a Group 3 facility that is a grain terminal elevator shall include fugitive emissions, as "fugitive emissions" is defined in 567—subrule 33.3(1), in the PTE calculation for determining PSD applicability.

(6) Record keeping. The owner or operator shall keep the records of annual grain handled at the facility and annual PTE for PM and PM_{10} emissions on site for a period of five years, and the records shall be made available to the department upon request.

d. Group 4 facilities. A facility qualifies as a Group 4 facility if the facility is a stationary source with a PTE equal to or greater than 100 tons of PM_{10} per year, as PTE is

specified in subrule 22.10(2). For purposes of this paragraph, an "existing" Group 4 facility is one that commenced construction, modification or reconstruction before February 6, 2008. A "new" Group 4 facility is one that commenced construction or reconstruction on or after February 6, 2008.

(1) Air construction permit. The owner or operator of a Group 4 facility shall obtain the required construction permits, as specified under subrule 22.1(1). The owner or operator of an existing facility shall provide the construction permit applications, as specified by subrule 22.1(3) to the department on or before March 31, 2008. The owner or operator of a new facility shall obtain the required permits, as specified by subrule 22.1(1), from the department prior to initiating construction or reconstruction of a facility.

(2) Permit conditions. Construction permit conditions for a Group 4 facility shall include, but are not limited to, the following:

1. The owner or operator shall implement BMP, as specified in the permit, for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line. If the department revises the BMP requirements for Group 4 facilities after a facility is issued a permit, the owner or operator of the Group 4 facility may request that the department modify the facility's permit to incorporate the revised BMP requirements. The department will issue permit modifications to incorporate BMP revisions on a case–by–case basis.

2. The owner or operator shall retain all records as specified in the permit.

(3) PSD applicability. If the PTE for PM or PM_{10} at the facility is equal to or greater than 250 tons per year, the owner or operator shall comply with requirements specified in 567—Chapter 33, as applicable. The owner or operator of a Group 4 facility that is a grain terminal elevator shall include fugitive emissions, as "fugitive emissions" is defined in 567—subrule 33.3(1), in the PTE calculation for determining PSD applicability.

(4) Record keeping. The owner or operator shall keep the records of annual grain handled at the facility and annual PTE for PM and PM_{10} emissions on site for a period of five years, and the records shall be made available to the department upon request.

(5) Operating permits. The owner or operator of a Group 4 facility shall apply for an operating permit for the facility if the facility's annual PTE for PM_{10} is equal to or greater than 100 tons per year as specified in rules 567—22.100(455B) through 567—22.300(455B). The owner or operator of a Group 4 facility that is a grain terminal elevator shall include fugitive emissions in the calculations to determine if the PTE for PM_{10} is greater than or equal to 100 tons per year. The owner or operator also shall submit annual emissions inventories and fees, as specified in rule 567—22.106(455B).

22.10(4) Feed mill equipment. This subrule sets forth the requirements for construction permits, operating permits, and emissions inventories for an owner or operator of feed mill equipment as "feed mill equipment" is defined in subrule 22.10(1). For purposes of this subrule, the owner or operator of "existing" feed mill equipment shall have commenced construction or reconstruction of the feed mill equipment before February 6, 2008. The owner or operator of "new" feed mill equipment shall have commenced construction or reconstruction of the feed mill equipment on or after February 6, 2008.

a. Air construction permit. The owner or operator of feed mill equipment shall obtain an air construction permit as specified under subrule 22.1(1) for each piece of feed mill equipment that emits a regulated air pollutant. The owner or operator of "existing" feed mill equipment shall provide the appropriate permit applications to the department on or before March 31, 2008. The owner or operator of "new" feed mill equipment shall provide the appropriate permit applications to the department prior to initiating construction or reconstruction of feed mill equipment.

b. Emissions inventory. The owner or operator shall submit an emissions inventory for the feed mill equipment for all regulated air pollutants as specified under 567—subrule 21.1(3).

c. Operating permits. The owner or operator shall sum the PTE of the feed mill equipment with the PTE of the equipment at the country grain elevator, country grain terminal elevator or grain terminal elevator, as PTE is specified in subrule 22.10(2), to determine if operating permit requirements specified in rules 567—22.100(455B) through 567—22.300(455B) apply to the stationary source. If the operating permit requirements apply, then

the owner or operator shall apply for an operating permit as specified in rules 567—22.100(455B) through 567—22.300(455B). The owner or operator also shall begin submitting annual emissions inventories and fees, as specified under rule 567—22.106(455B).

d. PSD applicability. For purposes of determining whether the stationary source is subject to the prevention of significant deterioration (PSD) requirements set forth in 567—Chapter 33, the owner or operator shall sum the PTE of the feed mill equipment with the PTE of the equipment at the country grain elevator, country grain terminal elevator or grain terminal elevator. If the PTE for PM or PM_{10} for the stationary source is equal to or greater than 250 tons per year, the owner or operator shall comply with requirements for PSD specified in 567—Chapter 33, as applicable.

ITEM 6. Amend rule **567—22.100(455B)**, definition of "country grain elevator," as follows:

"Country grain elevator" ~~means any grain elevator that receives more than 50 percent of its grain, as defined by 40 CFR 60.301(a) as amended through August 3, 1978, produced by farms in the vicinity. This definition does not include grain terminal elevators or pertain to grain storage elevators, as defined in paragraph 23.1(2)"ooo."~~ shall have the same definition as "country grain elevator" set forth in subrule 22.10(1).

ITEM 7. Amend rule **567—22.100(455B)**, definition of "potential to emit," introductory and first unnumbered paragraphs, as follows:

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, ~~"maximum capacity" means the greatest amount of grain received by the elevator during one year of the~~

~~previous five–year period, multiplied by an adjustment factor of 1.2~~ the provisions set forth in subrule 22.10(2) shall apply.

ITEM 8. Amend subrule 23.4(7) as follows:

23.4(7) Grain handling and processing plants. ~~No person shall cause, allow or permit the operation~~ The owner or operator of equipment at a permanent installation~~,~~ for the handling or processing of grain, grain products and grain by–products ~~such that~~ shall not cause, allow or permit the particulate matter discharged to the atmosphere to exceed 0.1 grain per dry standard cubic foot of exhaust gas~~.~~, except as follows:

a. The particulate matter discharged to the atmosphere from a grain bin vent at a country grain elevator, as "country grain elevator" is defined in 567—subrule 22.10(1), shall not exceed 1.0 grain per dry standard cubic foot of exhaust gas.

b. The particulate matter discharged to the atmosphere from a grain bin vent that was constructed, modified or reconstructed before March 31, 2008, at a country grain terminal elevator, as "country grain terminal elevator" is defined in 567—subrule 22.10(1), or at a grain terminal elevator, as "grain terminal elevator" is defined in 567—subrule 22.10(1), shall not exceed 1.0 grain per dry standard cubic foot of exhaust gas.

c. The particulate matter discharged to the atmosphere from a grain bin vent that is constructed or reconstructed on or after March 31, 2008, at a country grain terminal elevator, as "country grain terminal elevator" is defined in 567—subrule 22.10(1), or at a grain terminal elevator, as "grain terminal elevator" is defined in 567—subrule 22.10(1), shall not exceed 0.1 grain per dry standard cubic foot of exhaust gas.

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